

MATTHEW W. BRISSENDEN, P.C.
ATTORNEY AT LAW

666 Old Country Road, Suite 501
Garden City, New York 11530

516-683-8500, Fax: 516-683-8410
matthew.w.brissenden@gmail.com

June 15, 2020

Via ECF

The Honorable Joseph F. Bianco
United States District Judge
Eastern District of New York
100 Federal Plaza, Room 1040
Central Islip, New York 11722

Re: United States v. Kenner, 13-CR-607

Dear Judge Bianco,

This office has been appointed as standby counsel, to assist Phillip Kenner in his capacity as a *pro se* litigant.

Following our last status conference, Mr. Kenner contacted me, and asked me to follow-up on his prior request for the disclosure of any settlement agreements between Owen Nolan and Kenneth Jowdy, and/or his related entities. *See* Docket Entries 756, 790.

Mr. Kenner noted that, during the status conference, in response to questions posed by Your Honor, Mr. Nolan's counsel appeared to acknowledge the existence of such an agreement. This information seemingly contradicts the position taken by the Government in their December 27th correspondence, wherein they informed the Court that:

Based upon discussions with Nolan's counsel and counsel for the DCSL parties, it is the government's understanding that no settlement matching Kenner's description exists, either in "2008 [or] 2009" (Tr. 56, l. 17), or at any other time. Based upon those same discussions, it is the government's understanding that Nolan's counsel and counsel for the DCSL parties are unaware of any settlement between Nolan and Jowdy that would offset any losses compensable in restitution owed by Kenner to Nolan.

See Docket Entry 781 at p. 3.

In light of this new information, Mr. Kenner respectfully reiterates his request for any and all such settlement agreements, so that the Court may evaluate the extent to which such agreements impact restitution.

Respectfully submitted,

/s/

Matthew W. Brissenden

cc: All Counsel (*via* ECF)
Phillip Kenner